

EXHIBIT D

Exhibit D - Preservation Efforts & Bounced Communications

This exhibit documents the Plaintiff's good faith attempts to preserve digital evidence relevant to the pending federal litigation against New American Funding. It demonstrates early communication failures and growing risk of spoliation.

Included in this Exhibit:

- March 19, 2025 - Final Notice and CFPB Escalation Email
- Served as an early escalation and demand for regulatory compliance.
- Email to Loan Officer Shawn Wainwright was returned undelivered.

- April 17, 2025 - Formal Preservation of Evidence Notice
- Issued pursuant to Fed. R. Civ. P. 37(e) and submitted to NAF executives.
- Explicitly listed key evidence (e.g. voicemail, email chains, loan file discrepancies).

- April 17, 2025 - Bounce-Back Report for Preservation Notice
- Delivery to Sean Wainwright failed again, compounding preservation concerns.

These failures to deliver and respond underscore the Plaintiff's claim of obstruction and the elevated spoliation risk warranting expedited judicial relief.

From: Mail Delivery System mailer-daemon@icloud.com
Subject: Undelivered Mail Returned to Sender
Date: Mar 19, 2025 at 5:01:44 PM
To: mfmallah87@icloud.com

This is a system-generated message to inform you that your email could not be delivered to one or more recipients. Details of the email and the error are as follows:

<shawn.wainwright@nafinc.com>: host
nafinc-com.mail.protection.outlook.com[52.101.9.20] said: 451 4.7.500
Server busy. Please try again later from [17.57.155.5]. (S77714)
[BL02EPF00021F6D.namprd02.prod.outlook.com 2025-03-19T21:01:35.504Z
08DD648F46686162] (in reply to end of DATA command)

Delivery report

573 bytes

Return-Path: DKIM-Signature: v=1;

a=rsa-sha256; c=relaxed/relaxed; d=icloud.com; s=1a1hai;
bh=gBdfXFzoGoOokkWaC2VTHyfXw8ujzDRzyH37ukGOgA=; h=Content-
Type:From:Mime-Version:Date:Subject:Message-Id:To:x-icloud-hme;
b=I+gvc0OlVWPD4cRxY59/4+Tmjk4l2DnxgH8SxuMvuChZGc2vQWlfSkvAlQuZRZn
xg iytYQ16D7Bv+uL1vgs9+PG0ynXkt61Vau/
yCXQ+DO6xvCFYZqFdjZQ9z7bso8lF9kY
zxauJbTo5P60acc9Mk7XwUOW7PkpaOtQ8qgnj0pyrYliQXWKMQ9QEeFHg+Zv/
mZzQA
QZelq93yo5UiltVSUDWGMhs7ihZjy+7hm0N+RQMmSZowp8DPEPuTgwOl65v9Rb
yz6g
bL7Gf6fWVdkWGFOVEDU98ABfnAmTZNOxZqjt8mTYLLK8rfclkr7upctlazshNHQF
n4 /W55Slkka8uww== Received: from smtpclient.apple (qs51p00im-dlb-asmtip-mailmevip.me.com
[17.57.155.28]) by qs51p00im-qukt01071502.me.com (Postfix)
with ESMTPSA id D85FC53C71E5 for ; Wed, 19 Mar 2025 16:34:05 +0000 (UTC)
Content-Type: application/pdf; name=file.pdf; x-apple-part-
url=A25AD1A8-8539-4563-8A12-417BD9A64FD9 Content-Disposition:
attachment; filename=file.pdf Content-Transfer-Encoding: base64 From:
mfmallah87@icloud.com Mime-Version: 1.0 (1.0) Date: Wed, 19 Mar 2025 12:33:47
-0400 Subject: Follow Up 3/19/2025 Message-Id: <[9229C093-](#)

C7C6-4774-942B-429B72E3C77D@icloud.com> To: Shawn Wainwright X-Mailer:
iPhone Mail (22D82) X-Proofpoint-GUID: QJllyvo5i9bSpwsMHZOIT_MjMEn3mCSh
X-Proofpoint-ORIG-GUID: QJllyvo5i9bSpwsMHZOIT_MjMEn3mCSh X-Proofpoint-
Virus-Version: vendor=baseguard
engine=ICAP:2.0.293,Aquarius:18.0.1093,Hydra:6.0.680,FMLib:17.12.68.34
definitions=[2025-03-19_06](#),2025-03-19_01,2024-11-22_01 X-Proofpoint-Spam-
Details: rule=notspam policy=default score=0 phishscore=0 mlxlogscore=982
adultscore=0 spamscore=0 malwarescore=0 mlxscore=0 clxscore=1015
suspectscore=0 bulkscore=0 classifier=spam adjust=0 reason=mlx scancount=1
engine=8.19.0-2411120000 definitions=main-2503190112